

REMARKS

Upon entry of the current amendment, claims 97, 99, 105-111 will be pending. No new matter has been introduced by the current amendment. The subject matter of the pending claims and proposed amendment has already been considered and is under the examination.

The undersigned would like to thank Examiner Sharon Turner for taking the time for a telephone interview on October 14, 2004. It is our understanding from Examiner Turner's comments that the proposed amendment would overcome the 35 USC §112 rejection. Accordingly, Applicants respectfully request entry of this amendment.

Double Patenting

Claims 97, 99, and 105-111 are rejected for obviousness-type double patenting as being allegedly unpatentable over claims 1-24 of U.S. Pat. No. 6,194,376, claims 1-16 of U.S. Pat. No. 6,723,698, claims 1-6 of U.S. Pat. No. 6,506,729, and claims 1-8 of U.S. Pat. No. 6,288,031.

Without conceding to the correctness of the rejection, Applicants hereby submit a suitable terminal disclaimer. In view of the terminal disclaimer, Applicants submit that the rejection for this reason is now moot.

Rejections under 35 U.S.C. § 112

Claims 97, 99, 105-111 are rejected under 35 U.S.C. § 112, first paragraph, as not enabled by the specification. In the Office Action, the Examiner states that there is insufficient support for correlation of N-CAM or L1 expression and decreased neuronal cell death or promoting neuronal survival, and cites several references as evidence of non-enablement. As clarified during the telephone interview, Applicants respectfully submit that what Applicants claim as their invention are methods for decreasing cell death using morphogens with certain amino acid sequence characteristics and the ability to stimulate N-CAM or L1 expression. It is Applicants' observation that enhanced neuronal survival can be seen when certain morphogens that also enhances N-CAM expression are administered to neuronal cells at risk of dying.

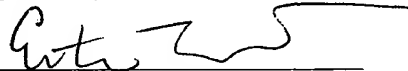
It is Applicants' understanding that the amended claims in accordance with the Examiner's suggestion in the interview will overcome this ground of rejection.

Applicants therefore respectfully submit that the claims are fully enabled and request the Examiner to withdraw the rejection. In view of the above, Applicants believe the pending application is in condition for allowance.

Applicants believe no additional fee is due with this response. However, if any additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. JJJ-P06-504 from which the undersigned is authorized to draw.

Dated: November 5, 2004

Respectfully submitted,

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